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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE EASTERN DISTRICT OF CALIFORNIA**
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11 ROCIO ADAME ARAUJO
12 DE AGUILAR, et al.

CASE NO. CV-F-02-6527 REC LJO
(Consolidated cases)

13 Plaintiffs, _____

ORDER FOR EVIDENTIARY HEARING ON
ATTORNEY SUBSTITUTION____
(Doc. 94.)

14 vs.
15

NATIONAL RAILROAD
PASSENGER CORPORATION, et al.,

16 Defendants.
17 _____/

CLAUDIA MUNOZ, et al.,

18 Plaintiffs, _____

19 vs.
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NATIONAL RAILROAD PASSENGER
CORPORATION, et al.,

21 Defendants.
22 _____/

ROSA ROMERO, et al.,

23 Plaintiffs, _____

24 vs.
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NATIONAL RAILROAD
PASSENGER CORPORATION, et al.,

26 Defendants.
27 _____/

1 This Court conducted a May 26, 2005 hearing on the motion of several plaintiffs¹ to compel
2 substitution of attorney David Lynn ("Mr. Lynn") in the place of their attorney of record Richard Fine
3 ("Mr. Fine"). Mr. Lynn and Mr. Fine appeared at the hearing. Based on the record and oral argument,
4 this Court finds that it must conduct an evidentiary hearing to hear testimony of plaintiffs Ms. Torres
5 and Ms. Alacorn and Carlos Munoz ("Mr. Munoz"), who represents that he acts as attorney in fact under
6 a power of attorney for plaintiffs Benito Valdivia and Maria Ramirez.

7 Mr. Fine and Mr. Lynn informed this Court that Ms. Torres and Ms. Alacorn's depositions are
8 set for May 31, 2005 in Bakersfield. As such, this Court will conduct the evidentiary hearing by a
9 telephone conference before the court reporter and interpreter for the depositions. On the basis of good
10 cause, this Court ORDERS Mr. Fine and Mr. Lynn to:

- 11 1. Arrange for Ms. Torres, Ms. Alacorn and Mr. Munoz to appear for an evidentiary hearing
12 by telephone conference before the depositions court reporter and interpreter on May 31,
13 2005 in Bakersfield and to telephone the Court at (559) 498-7322 as soon as possible to
14 inform the Court when the telephone conference will be; and
- 15 2. Forthwith fax to this Court at (559) 498-7289 the durable power of attorney or papers
16 upon which Mr. Munoz relies to act for Mr. Valdivia and Ms. Ramirez.

17 IT IS SO ORDERED.

18 **Dated: May 26, 2005**
66h44d

/s/ Lawrence J. O'Neill
UNITED STATES MAGISTRATE JUDGE

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27 ¹ The plaintiffs seeking the attorney substitution are Benito Valdivia ("Mr. Valdivia"), Maria Ramirez ("Ms.
28 Ramirez"), Maria Torres ("Ms. Torres") for herself and her minor children Martin Zendejas and Alma Torres, and Maria
Alacorn for herself and her minor children Marco Gonzalez and Juan Gonzalez.